



# Toxics Cleanup Program Policy

## Policy 840

*Resource Contact:* Policy and Technical Support Staff      *Effective:* August 1, 2005

*References:* WAC 173-340-840(5)

*Revised:* March 31, 2008

<http://www.ecy.wa.gov/eim/>

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>

<http://www.ecy.wa.gov/biblio/0309043.html>

*Replaces:* Procedure 840

## Policy 840: Data Submittal Requirements

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**Purpose:** Contaminated site investigations and cleanups generate a large volume of environmental monitoring data that need to be properly managed to facilitate regulatory decisions and access to this data by site owners, consultants, and the general public. The purpose of this policy is to describe the requirements for submitting environmental monitoring data generated/collected during the investigation and cleanup of contaminated sites under the Model Toxics Control Act (MTCA) and the Sediment Management Standards.

**Application:** This policy applies to Ecology staff, potentially liable parties, prospective purchasers, state and local agencies, and Ecology contractors that investigate or manage the cleanup of contaminated sites.

### 1. Unless Otherwise Specified by Ecology, All Environmental Monitoring Data Generated during Contaminated Site Investigations and Cleanups Shall Be Required to be Submitted to Ecology in both a Written and Electronic Format.

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Environmental monitoring data include biological, chemical, physical, and radiological data generated during site investigations and cleanups under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) and the Sediment Management Standards (WAC 173-204).

Data generated/collected during site investigations and cleanups conducted under an order, agreed order or consent decree, permit, grant, loan, contract, interagency agreement, memorandum of understanding or during an independent remedial action, are considered environmental monitoring data under this policy.

Data generated/collected for non site-specific studies, site hazard assessments that result in no further action and initial site investigations are not considered environmental monitoring data under this policy.

### 2. Orders, Agreed Orders, Consent Decrees, or Permits Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data Be Submitted in Compliance with this Policy.

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Reports on such work that do not include documentation that the data have been submitted in compliance with this policy shall be deemed incomplete and a notice of such provided to the

## **Policy 840 Data Submittal Requirements**

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submitter. These reports generally should not be reviewed until that information is provided. The assistant attorney general assigned to the site should be consulted in these situations.

### **3. Opinions on Independent Remedial Actions Submitted for Review Under Ecology's Voluntary Cleanup Program Shall Not Be Issued Until Sampling Data Have Been Submitted in Compliance with this Policy.**

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Ecology will not issue No Further Action (NFA) opinions under the Voluntary Cleanup Program if environmental sampling data have not been submitted in the required Environmental Information Management System (EIM) format. To avoid unreasonable delays, sampling data should be submitted in the required EIM format along with the cleanup report.

### **4. Grants, Contracts, Interagency Agreements or Memoranda of Understanding Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data Be Submitted in Compliance with this Policy.**

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Reports on such work shall not be accepted as complete until the data have been submitted in compliance with this policy. If a payment or transfer of funds is involved in the transaction, the relevant payment or transfer shall be withheld until this requirement has been met.

Example language to include in these documents is attached in Appendix A.

### **5. Data Generated During Upland Investigations and Cleanups Shall Be Submitted Electronically Using Ecology's Environmental Information Management System (EIM).**

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EIM is Ecology's main database for environmental monitoring data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

Additional information on EIM, including instructions for data submittal, can be found on Ecology's EIM web site at <http://www.ecy.wa.gov/eim/>. Toxic Cleanup Program's (ICP) EIM Coordinator also is available for technical assistance to site managers and consultants using EIM.

### **6. Data Generated During Sediment Investigations and Cleanups Shall Be Submitted Electronically Using Ecology's Environmental Information Management System (EIM).**

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Effective March 1, 2008, EIM is Ecology's data management system for sediment-related data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data should be submitted to Ecology simultaneously with the accompanying printed report.

SEDQUAL was Ecology's data management system for sediment-related data. For a limited time, Ecology will accept electronic data in SEDQUAL format if the approved Sampling and Analysis Plan requires data submittal in that format. Beginning September 1, 2008, data submitters must contact the site manager to obtain approval to submit electronic data in SEDQUAL format.

Additional information on EIM, including instructions for data submittal, can be found on Ecology's EIM web site at <http://www.ecy.wa.gov/eim/>. Toxic Cleanup Program's (TCP) EIM Coordinator also is available for technical assistance to site managers and consultants using EIM.

For additional information on sediment sampling and analysis plan requirements, see Ecology publication 03-09-043 "Sediment Sampling and Analysis Plan Appendix", February, 2008. A copy of this document can be obtained from Ecology's publication office or downloaded from the following web site: <http://www.ecy.wa.gov/biblio/0309043.html>

TCP's EIM Aquatic Land Cleanup Unit (ALCU) Sediment Data Coordinator is also available for technical assistance.

**7. Data Submitted Electronically Using EIM Shall be Checked by the Toxics Cleanup Program's (TCP) EIM Coordinator Prior to Loading the Data into EIM.**

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Normally, notice that data have been submitted through EIM will come to TCP's EIM Coordinator. Upon receipt of such a notice the EIM Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a notice of an EIM submittal, they should notify TCP's EIM Coordinator. Upon receipt of the data, TCP's EIM Coordinator reviews the submittal for quality control and officially loads the data into the system.

Approved:



James J. Pendowski, Program Manager  
Toxics Cleanup Program

**Policy Disclaimer:** This policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this policy depending on site-specific circumstances, or modify or withdraw this policy at any time.

**APPENDIX A: MODEL GRANT AND PERMIT CONDITION**

The following condition is to be inserted in permits, grants, loans, contracts, interagency agreements, memorandum of understandings where site-specific environmental monitoring data is expected to be generated:

All sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840: Data Submittal Requirements. Electronic submittal of data is not required for site hazard assessments that result in no further action and initial site investigations. (FOR GRANTS & CONTRACTS ADD: Failure to properly submit sampling data will result in Ecology withholding payment and could jeopardize future grant funding.)